

## REMARKS/ARGUMENT

Claims 1, 2, 7 and 14 are amended. Claim 15 is added. No new matter is added. Claims 1, 2, 4-8, 13 and 14 are rejected under 35 U.S.C. § 103 as being obvious over applicants admitted prior art (“APA”) is in view of U.S. Patent 3,980,959 to George (“George”). To facilitate prosecution on the merits, claim 13 is cancelled. Claims 3 is rejected under 35 U.S.C. § 103 as being obvious over APA in view of George and further in view of U.S. Patent No. 5,982,781 to Przybyla et al. and further in view of U.S. Patent No. 5,570,306 to (“Soo”). Claims 9 and 10 are rejected under 35 U.S.C. § 103 as being obvious over APA in view of George and further in view of Przybyla. Claims 11 and 12 are rejected over 35 U.S.C. § 103 as being obvious over APA in view of George, Przybyla and Soo. Reconsideration of the application and the remarks below is respectfully requested.

### Rejections based on 35 U.S.C. § 103

Among the limitations in independent claim 1, which are neither shown nor suggested even in a combination of the art of record are:

a capturing path which is independent of said real time output path and through which said video data is sent to a system memory via a system bus and not through the frame buffer. . . .

Similarly among the limitations of independent claim 2, which are neither shown nor suggested even in a combination of the art of record are:

a capturing path which is independent of said real time output path and through which said video data is sent to a system memory via a system bus and not through the frame buffer. . . .

Among the limitations of independent claim 7, which are neither shown nor suggested even in a combination of the art of record are:

sending said video data to a system memory through a system bus and not through the frame buffer in at least another of said independent paths operating as a capture path. . . .

Among the limitations of independent claim 14 which are neither shown nor suggested in the art of record:

forwarding the processed video data to a first path, the first path including a display control circuit and a frame buffer; and  
forwarding the processed video data to a second path when the determining indicates that the video data is to be captured, the second path not including the frame buffer. . . .

Referring to APA, as shown clearly in Fig. 3 and corresponding text on page 1, line 25 through page 2 line 6, path 27 relates to video capturing and includes frame buffer 14. Therefore, there are limitations in independent claims 1, 2 and 7 which are not shown in APA. All of George, Przybyla and Soo are similarly devoid of these limitations. As such, it is asserted that claims 1, 2 and 7 are patentable over the art of record. Claims 3-6 and 8-12 are dependent upon claims 1, 2 and 7 respectively. These claims contain further limitations which, in combination with the limitations of independent claims 1, 2 and 7 are also neither disclosed nor suggested in the art of record. It is asserted that these claims are patentable as well. Reconsideration of the rejection of claims 1-14 under 35 U.S.C. § 103 is respectfully requested in light of the remarks above.

#### **Defective Office Action**

In rejecting claim 13, the Examiner summarily states:

Regarding claim 13, claim 13 recites the same limitations as claim 2 and is therefore rejected on the same grounds as claim 2.

Similarly in rejecting claim 14, the Examiner states:

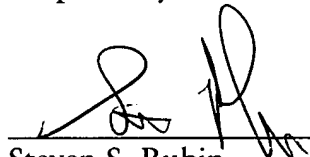
Regarding claim 14, claim 14 recites similar limitations as claim 2 and is rejected under the same grounds as claim 2.

Even a cursory review of these claims shows different language and different limitations. For example, claim 13 recites limitations relating to video processor which are not shown in claim 2. Claim 2 recites a system and claim 14 recites a method. Other distinctions are readily apparent. Therefore, it is asserted that the present Office Action is defective and not in compliance with, *inter alia*, 37 C.F.R. 1.104(c)(1) which states in part: “if the invention is not considered patentable, or not considered patentable as claimed, the claims, or those considered unpatentable will be rejected.” The Examiner has not stated any basis for his rejections of claims 13 and 14 and merely indicated that these claims are identical in scope to another claim which has completely different language. A patent application used to be reviewed and analyzed to determine whether claims define a useful, novel, nonobvious and enabled invention. MPEP § 706. “The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.” If the Examiner refuses to review the actual content of the pending claims and instead references limitations of other pending claims, this goal of examination is frustrated. Therefore, applicant respectfully requests a new Office Action in compliance with the Patent Office rules and a withdrawal of the “finality” of this rejection.

It is asserted that the present Amendment places the application in condition for allowance or in better form for an appeal. Entry of this Amendment is respectfully solicited.

Respectfully submitted,

Dated: July 29, 2002

A handwritten signature in black ink, appearing to read 'S. Rubin', is written over a horizontal line.

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SIW/SSR/hc

**APPENDIX A**  
**Version With Markings To Show Changes Made**  
**37 C.F.R. § 1.121(b)(1)(iii) AND (c)(1)(ii)**

**CLAIMS:**

1. (Twice Amended) A video data transfer system comprising:
  - a real time output path through which video data processed by a video processor is sent to a display via a frame buffer;
  - a capturing path which is independent of said real time output path and through which said video data is sent to a system memory via a system bus and not through the frame buffer; and
  - a gate in said capturing path, said gate being controllable to permit said video data to pass when received from said video processor.
  
2. (Twice Amended) A video data transfer system, comprising:
  - a real time output path through which video data processed by a video processor is sent to a display via a frame buffer;
  - a capturing path which is independent of said real time output path and through which said video data is sent to a system memory via a system bus and not through the frame buffer, wherein
    - said real time output path comprises:
      - an off-screen memory which receives video data from said video processor via a data bus and stores video data therein, said off-screen memory being in the frame buffer; and
      - a display control circuit which receives video data read from said off-screen memory via said data bus for enlargement and interpolation processing and transfers processed results to said display, and wherein
    - said capturing path comprises:

a gate which is opened only when video data is received from said video processor for capturing; and

memory means for storing said video data sent through said gate and for transferring said video data to said system bus.

7. (Twice Amended) A video data transfer method, comprising:

providing video data from a video processor to a plurality of paths independent of each other;

sending said video data to a display through a frame buffer in at least one of said independent paths operating as a real time output path;

sending said video data to a system memory through a system bus and not through the frame buffer in at least another of said independent paths operating as a capture path; and

controlling said capture path to permit said video data to pass to said system memory when said video data is to be captured.

14. (Amended) A method of transferring video data, the method comprising:

receiving video data;

determining whether the video data is to be captured;

processing the video data to produce processed data;

forwarding the processed video data to a first path, the first path including a display control circuit and a frame buffer; and

forwarding the processed video data to a second path when the determining indicates that the video data is to be captured, the second path not including the frame buffer;

wherein the first and second paths are distinct.